

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63730 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- BIDUPUR District- Vaishali

1. ROHAN KUMAR @ VIKRANT KUMAR son of Eknath Singh @ Ramnath Singh Village- Navanagar Ps- Bidupur Dist- Vaishali
2. Sunil Kumar son of Yugal Kishor Singh Village- Navanagar Ps- Bidupur Dist- Vaishali
3. Sudhir Kumar son of Rajkumar Singh Village- Navanagar Ps- Bidupur Dist- Vaishali
4. Gaurav @ Gaurav Kumar son of Vinod Kumar Singh @ Vinod Singh Village- Mahesia Aami Chapra Ps- Dighwara Dist- Saran Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Bidupur P.S. Case No.150 of 2023 registered for the offences punishable under Sections 341, 447, 323, 324, 307, 354, 379, 504 and 506/34 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, on 08.03.2023 at about 4.00 pm all the accused persons including these petitioners variously armed with sword, danda and iron rod in



their hands came at the house of informant and one Vikash Kumar assaulted the informant's son by sword on his neck due to which he fell down and became unconscious. Sunil Kumar (petitioner no.2) assaulted the second son of the informant by an iron rod on his head. Petitioner no.3 Sudhir Kumar and petitioner no.4 Gaurav Kumar along with other accused had assaulted the victim Gayatri Devi. It is further alleged that on 10.03.2023 at about 8.00 am the neighbours of informant namely Bhulan @ Avinash Kumar and Vishal Kumar were also assaulted by Vikash Kumar by means of sword.

4. Learned counsel for the petitioners submits that there is a case and counter case between the parties lodged on the same day in which two different versions of the occurrence has been alleged. As per the FIR the first occurrence took place on 08.03.2023 but no FIR was lodged with respect to the said occurrence and the present FIR has been lodged only after the occurrence which took place on 10.03.2023 in which co-accused Vikash Kumar has assaulted Bhulan @ Avinash Kumar and Vishal Kumar who were referred to P.M.C.H.

5. Learned counsel submits that so far as petitioner no.1 is concerned, there is no allegation of commission of overt act against him, the petitioner no. 2 Sunil Kumar is said to have



assaulted the second son of the informant by an iron rod on his head but the injury report shows that there is a simple injury and there is no repetition of blow.

6. Learned counsel further submits that as regards petitioner no.3 Sudhir Kumar and petitioner no.4 Gaurav Kumar, it is stated that they had assaulted the victim Gayatri Devi but the injury report of said Gayatri Devi does not show any recent injury on her body, the said Gayatri Devi is said to have been assaulted by iron rod on her head, but the injury report shows a fracture of lower and left humerus under plaster and the doctor has opined the nature of the said injury as old fracture.

7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

8. Having regard to the facts and circumstances of the case wherein it is submitted by learned counsel for the petitioners that there is a case and counter case between the parties lodged on the same day in which two different versions of the occurrence has been alleged, as per the FIR the first occurrence took place on 08.03.2023 but no FIR was lodged with respect to the said occurrence and the present FIR has been lodged only after the occurrence which took place on



10.03.2023 in which co-accused Vikash Kumar has assaulted Bhulan @ Avinash Kumar and Vishal Kumar who were referred to P.M.C.H., co-accused Vikash is not before this Court in the present application, further submission that so far as petitioner no.1 is concerned, there is no allegation of commission of overt act against him, the petitioner no. 2 Sunil Kumar is said to have assaulted the second son of the informant by an iron rod on his head but the injury report shows that there is a simple injury and there is no repetition of blow, as regards petitioner no.3 Sudhir Kumar and petitioner no.4 Gaurav Kumar, it is stated that they had assaulted the victim Gayatri Devi but the injury report of said Gayatri Devi does not show any recent injury on her body, the said Gayatri Devi is said to have been assaulted by iron rod on her head, but the injury report shows a fracture of lower and left humerus under plaster and the doctor has opined the nature of the said injury as old fracture, these petitioners are having clean antecedent, in the circumstances, this Court directs that in case of their arrest/surrender within a period of six weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of Sri Nazim Ahmed, learned Judicial Magistrate- 1st Class,



Vaishali at Hajipur in connection with Bidupur P.S. Case No. 150 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

